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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,069	11/21/2001	Toshiyuki Ishino	F-11770	9749
466	7590	03/02/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,069

Applicant(s)

ISHINO, TOSHIYUKI

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21-December-2005 has been entered.
2. The amendment filed on 21-December-2005 has been received and entered. Claims 6-8 have been cancelled. Claims 1-5, and 9-21 are now pending.

Claim Objections

3. Claims 14-19 are objected to because of the following informalities:

Applicant's language of "causing" or "causes" a computer to do something -in claim 14- is not prohibiting and does not cause any functionality to occur in the computer and thus failing to particularly point out and distinctly claim their invention (it's unclear what Applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring). See MPEP 2106 [R-2].

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, and 9-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, and 14, recite the limitation "selecting... paired" which is vague and confusing. It is unclear to the Examiner if selection is being made of "paired" information (in which case lacks antecedent basis) or if the selecting step takes place first ... then the pairing step leading largest match?

6. Claim 1, recites the limitation "an audience" in line 22. There is insufficient antecedent basis for this limitation in the claim. "An audience" was previously introduced in the claim in line 10, any further mention of "audience" should have "the or said" hence referring back to the original recitation.

Claims 9, and 14 carry similar deficiency.

Claims 3, 4, 11, 12, 16, and 17 recites the limitation "the area" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, recites the limitation "the number of matched items" in line 25. There is insufficient antecedent basis for this limitation in the claim. The previous recitation of

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“comparing” is made in reference to “an item” not a plurality of items. There was no previous recitation of cumulative “number of matches” either.

Claims 9, and 14 carry similar deficiency.

Claim 19, recites the limitation "the number of matches for each of the sets " in line 3. There is insufficient antecedent basis for this limitation in the claim. There was no previous recitation of “sets matched” or “number of matches”.

Claims 20, and 21 carry similar deficiency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 9-12, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (U.S. Patent No. 6,357,042 B2).

As to claims 1, 9, and 14, Srinivasan et al. discloses an information distributing system, comprising:

an information distributor side device (See column 31, lines 1-9); and

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a plurality of audience side terminal units (See column 31, lines 6-9, wherein “plurality” reads on “users”);

wherein said information distributor side device (See column 31, lines 1-9) comprises:

a database for storing a plurality of sets of provided information and seller side information (See column 31, lines 54-57, wherein “plurality of sets” reads on “user preferences”), said seller side information representing a first set of attributes of an audience to which an information provider wants to distribute said provided information (See column 32, lines 1-11, teaches examples of audience/subscriber side attributes);

a broadcasting means for broadcasting said plurality of sets to said plurality of audience side terminal units (See column 31, lines 6-9), and

wherein each of said plurality of audience side terminal units comprises:

receiving means for receiving said plurality of sets broadcast from said information distributor side device (See column 32, lines 53-54);

comparing means for comparing a corresponding item of said seller side information of each set with each item of buyer side information that represents only sets of attributes that are the same as said first set of attributes of an audience who has the audience side terminal unit and that is provided at the buyer side (See column 33, lines 24-27, teaches “best match”, also see column 34, lines 58-67, teaches “only targeted ad”); and

selecting means for selecting the provided information paired with the seller side information for which the number of matched items with said buyer side information is the largest (See column 34, lines 5-23);

a broadcasting means for broadcasting said plurality of sets to said plurality of audience

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side terminal units (See column 2, lines 52-61, wherein “plurality of sets” reads on “profiles”, also see column 34, lines 4-18).

As to claims 2, 10, and 15, Srinivasan et al. discloses wherein the provided information is an advertisement (See column 34, lines 37-44).

As to claims 3, 11, and 16, Srinivasan et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience to which the information provider wants to provide said provided information (See column 32, lines 1-11, teaches examples of attributes stored in a user profile and collected by both seller and buyer).

As to claims 4, 12, and 17, Srinivasan et al. discloses wherein said buyer side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience who receives said provided information (See column 32, lines 1-11, teaches examples of attributes stored in a user profile and collected by both seller and buyer).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent No. 6,357,042 B2) in view of Leeke et al. (U.S. Patent No. 6,587,127).

As to claims 5, 13, and 18, Srinivasan et al. does not teach wherein said buyer side information is stored in a memory card that is replaceably attached to said audience side terminal unit.

Leeke et al. teaches wherein said buyer side information is stored in a memory card that is replaceably attached to said audience side terminal unit (See Leeke et al. column 14, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Srinivasan et al. by the teaching of Kurihara to include wherein said buyer side information is stored in a memory card that is replaceably attached to said audience side terminal unit because it provides portability and mobility across different user devices (See Leeke et al. column 10, lines 11-14).

11. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent No. 6,357,042 B2) in view of Kurihara (U.S. Patent No. 5,815,666).

As to claims 19-21, Srinivasan et al. does not teach wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the

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sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches.

Kurihara teaches wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches (See Kurihara column 6, lines 8-67, also see Kurihara column 7, lines 3-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Srinivasan et al. by the teaching of Kurihara to include wherein said comparing and selecting means comprise means for providing a numerical value of the number of matches for each of the sets of provided information and seller side information and for comparing the numerical values for each of the sets when selecting the largest number of matches because it provides for efficient database records matching and ranking.

Response to Arguments

12. Applicant's arguments with respect to claims 1-5, and 9-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Park et al. (WO 97/17774) teaches selective advertisement presentation.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Neveen Abel-Jalil
February 14, 2006